



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

OFFICE OF THE
REGIONAL ADMINISTRATOR

Jim Macy, Director
Nebraska Department of Environment and Energy
1200 N Street, Suite 400
Lincoln, Nebraska 68509

Steve Wellman, Director
Nebraska Department of Agriculture
301 Centennial Mall South
Lincoln, Nebraska 68509

Dear Directors Macy and Wellman:

I wanted to take this opportunity to reach back out to you regarding your joint letter of July 27, 2020. Your letter requested assistance in evaluating potential solutions for challenges associated with disposition options for wet cake byproduct generated through an ethanol production process that utilizes pesticide treated seed as the feed stock. This wet cake byproduct contains pesticide residues which have complicated the further use and/or disposal of the material.

Region 7, the Nebraska Department of Environment and Energy and the Nebraska Department of Agriculture staff have been meeting to discuss the current status of the site, as well as challenges and possible options and wanted to assure you that I continue to track this issue closely.

The potential land application of this material as either a waste disposal method or, as a soil conditioner, has been discussed during meetings between Region 7 and state staff including a recent video conference with NDEE. Region 7 staff have been in contact with the U.S. Environmental Protection Agency's Office of Pesticide Programs at headquarters to solicit their expert opinions on both the regulatory and potential environmental implications of the land application of wet cake containing pesticide residues. OPP has shared various concerns regarding this path as a viable option and there are no apparent near-term solutions to address these concerns. At present, we are working with OPP to formalize their responses regarding the appropriateness of land application and are hopeful that we can complete that step soon.

I recognize the importance of resolving these questions quickly and will be tracking our progress closely. In the interim, please let us know of any additional aspects of this issue where we may be of assistance.

Sincerely,

**JAMES
GULLIFORD**

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Date: 2020.10.20
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James B. Gulliford



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